

Application No. 10/790,532
Amendment dated October 19, 2006
Reply to Office Action of May 19, 2006

Docket No.: HO-P02877US0

REMARKS

Claims 1-7, 10, and 12-24 are pending. Claims 1, 2, 14-18, and 20-24 have been amended. Claims 8, 9, 11, and 25-27 have been canceled without prejudice and retaining the right to prosecute this subject matter in a later application or amendment. The Title of the patent application has been changed to more accurately reflect the claimed subject matter.

The issues outstanding in this application are as follows:

- Claims 16, and 23 are rejected under 35 U.S.C. §112, first paragraph.
- Claims 16, 23, 25, 26 and 27 are rejected under 35 U.S.C. §112, second paragraph.
- Claims 1-4, 6-8, 10-11, 13-15, 17, 20-24 and 27 are rejected under 35 U.S.C. §102(b) as anticipated by Carroll (US Pat. No. 5,330,066).
- Claims 1, 14, 20, and 25-27 are rejected under 35 U.S.C. §102(b) as anticipated by Sweeney et al. (US Pat. No. 823,451).
- Claims 5 and 16 are rejected under 35 U.S.C. §103(a) over Carroll.
- Claims 9 and 18 are rejected under 35 U.S.C. §103(a) over Carroll as applied above in view of Shaw (US Pat. No. 6,406,003).
- Claims 12 and 19 are rejected under 35 U.S.C. §103(a) over Carroll as applied above in view of Sweeney and Sylva (US Pat. No. 823,451).
- Claims 25 and 26 are rejected under 35 U.S.C. §103(a) over Carroll in view of Vitsky et al. (US Pat. No. 4,926,759).

I. TITLE

Applicant has amended the Title of the patent application to more accurately reflect the claimed subject matter.

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II. 35 U.S.C. §112, FIRST PARAGRAPH

Claims 16 and 23 were rejected by the Examiner under the first paragraph of Section 112, allegedly because the claims lacked support for the step of rotating the member and engaging a notched tab with a corresponding tab-slot.

Applicants respectfully traverse. The specification has several descriptions of this claimed subject matter. For example, the Examiner is referred to: paragraph 78, lines 7-8 ("The tab may also be notched to allow it to engage with the tab-slot."); paragraph 112, lines 3-5, 7, and 10-12 (e.g., "After the tabs 370 and 380 on each end of the common member 320 are aligned and inserted into the tab-slots 350 and 360, the tabs 370 and 380 are . . . engag[ed], for example, by rotating the member . . ."); paragraph 116 and Fig 4C (emphasis added):

In the alternative embodiment shown in Figure 4C, the tabs 480 may also comprise a notch, such that when the member 420 is inserted through the opening 440 in the stabilizing surface 412 and the tabs 480 are inserted through the tab-slots 460 in securing surface 415, the notch in each of the tabs 480 engages with an edge of the corresponding tab-slots 460 (e.g., top, bottom, or sides) so long as at least one tab 480 engages tab-slot 460 via the notch. In one embodiment, the member may be rotated to engage the tab with the tab-slot via the notch. In another embodiment, a common member, such as common member 420 for example, may have notched tabs on each end, with the notches oriented such that rotation of the member in one direction engages notched tabs on both ends of the common member with their corresponding tab-slots.

Therefore, applicants respectfully request that this rejection be withdrawn, since, as shown above, the specification amply supports the claimed subject matter.

III. 35 U.S.C. §112, SECOND PARAGRAPH

Claims 16, 23, 25, 26 and 27 were rejected under 35 U.S.C. §112, second paragraph. Claims 16 and 23 have been amended, and claims 25-27 have been canceled without acquiescence or prejudice.

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Regarding amended claims 16 and 23, the above discussion overcoming the Section 112 first paragraph rejections also applies here for enablement. Specifically, the teaching of the specification noted and quoted above, about how to rotate the member in order to engage the notched tab with its corresponding tab-slot in order to engage the member to the post, makes it clear that the amended claimed invention is enabled by the specification as filed.

IV. 35 U.S.C. §102(b) – CARROLL AND SWEENEY

Claims 1-4, 6-8, 10-11, 13-15, 17, 20-24 and 27 were rejected under 35 U.S.C. §102(b) as anticipated by Carroll (US Pat. No. 5,330,066). Claims 1, 14, 20 and 25-27 were rejected as being anticipated by Sweeney (US Pat. No. 823,451).

The claims have been amended, or canceled with acquiescence or prejudice, thereby overcoming these rejections or rendering them moot.

Specifically, the claims have been amended to have at least two limitations that are not shown in the prior art, including Carroll and Sweeney: All claims now have the limitations that: (1) the tabs have a notch and the member is engaged to the post by the member being twisted so that the notched tab engages with its corresponding tab-slot; and (2) the claims all have limitations that the tabbed end(s) of the member have a recessed “non-tab” surface (from which the tabs stick out) wherein the recessed non-tab surface is shaped to come into substantially continuous flush contact with the inner surface of said securing surface when the tab is engaged via rotation of the member to engage the tab with the tab-slot via the notch.

Carroll shows neither of these claim limitations. (1) Carroll has no notched tabs that are engaged by rotation of a member and, (2) while Carroll appears to have a “non-tab” surface of a member that fits substantially continuously flush with the securing surface (e.g., Fig. 4), Carroll has no disclosure of the claimed supporting structure being a substantially hollow post, which inherently has a curved inner surface, such that the “non-tab” portion of the “member” needs to be specially cut so that it will fit substantially flush with the inner portion of the securing surface. In Carroll, only a flat member surface is “mated” to a flat

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securing surface. Furthermore, Carroll certainly does not disclose, teach or suggest – as per the claimed invention – that the “non-tab” surface of the member be shaped such that the substantially continuous flush contact between the “non-tab” end of the member and the inner (curved) portion of the securing surface is obtained only when the member is twisted to engaged notched tabs.

Sweeney also shows neither of these claim limitations. (1) Sweeney has no notched tabs that are engaged by rotation of a member and, (2) Sweeney has no “non-tab” surface of a member that fits substantially continuously flush with the securing surface. For example, Figures 2 and 3 of Sweeney clearly show that the “non-tab” recessed edge of the tabbed member are definitely not shaped to fit substantially flush with the inner portion of the securing surface. This can plainly be seen in Figures 2 and 3 of Sweeney, where the tab edge of the tabbed member is cut at a right angle to the member and, therefore, there is no substantially continuous flush contact of the “non-tab” recessed portion of the member with the inner wall of the (curved) securing surface.

Furthermore, Carroll certainly does not disclose, teach or suggest that – as per the claimed invention – the “non-tab” surface of the member be shaped such that the substantially continuous flush contact between the “non-tab” end of the member and the inner (curved) portion of the securing surface is obtained only when the member is twisted to engaged notched tabs.

Finally, Sweeney has no notched tabs that are engaged by rotation of a member.

Therefore, applicants respectfully assert that all amended claims are not anticipated by either Carroll or Sweeney, since the claims all have at least two limitations that are not present, suggested or taught by either Carroll or Sweeney. Withdrawal of the anticipation rejection is therefore respectfully requested.

V. 35 U.S.C. §103(a)

Claims 5, 9, 12, 16, 18, 19, 25 and 26 were rejected under 35 U.S.C. §103(a) for allegedly being obvious all over Carroll as the primary reference.

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As discussed above regarding non-anticipation of the currently amended claims are not anticipated by Carroll, because Carroll fails to teach at least two claim limitations that are in the currently amended claims. Specifically, the claims have been amended to have at least two limitations that are not shown or suggested in Carroll: All claims now have the limitations that (1) the tabs have a notch and the member is engaged to the post by the member being twisted so that the notched tab engages with its corresponding tab-slot; and (2) the claims all have limitations that the tabbed end(s) of the member have a recessed "non-tab" surface (from which the tabs stick out) where in the recessed non-tab surface is shaped to come into substantially continuous flush contact with the inner surface of said securing surface when the tab is engaged via rotation of the member to engage the tab with the tab-slot via the notch.

Carroll shows neither of these claim limitations. (1) Carroll has no notched tabs that are engaged by rotation of a member and, (2) while Carroll appears to have a "non-tab" surface of a member that fits substantially continuously flush with the securing surface (e.g., Fig. 4), Carroll has no disclosure of the claimed supporting structure being a substantially hollow post, which inherently has a curved inner surface, such that the "non-tab" portion of the "member" needs to be specially cut so that it will fit substantially flush with the inner portion of the securing surface. In Carroll, only a flat member surface is "mated" to a flat securing surface. Furthermore, Carroll certainly does not disclose, teach or suggest – as per the claimed invention – that the "non-tab" surface of the member be shaped such that the substantially continuous flush contact between the "non-tab" end of the member and the inner (curved) portion of the securing surface is obtained only when the member is twisted to engaged notched tabs.

Carroll is the primary reference in all pending 103(a) obviousness rejections and none of the other cited prior art supplies or suggest either of the above-two discussed limitations in the amended claims.

Therefore, applicants submit that all of the pending obviousness claims are traversed and, therefore, respectfully request that the amended claims be allowed.

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A two month's extension is requested. Please withdraw the small entity two month's extension fee from Deposit Account No. 06-2375, under Order No. HO-P02877US0 from which the undersigned is authorized to draw. Applicant believes no other fee is due with this response. However, if a fee is due, please also charge our Deposit Account No. 06-2375, under Order No. HO-P02877US0.

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Respectfully submitted,

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